

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:08CV141  
(1:04CR18)**

<b>JONATHAN LEE SHULL,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>Vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Petitioner's renewed motion for the appointment of counsel and for an extension of time in which to respond to the Respondent's motion for summary judgment.

Petitioner's renewed motion for the appointment of counsel is denied. As previously stated by the Court, there is no statutory authority that permits the Court to appoint counsel to assist a petitioner during post-conviction proceedings except in certain circumstances not present here. Also, the United States Supreme Court has held that there is no right to counsel in such proceedings. *Pennsylvania v. Finley*, 481 U.S. 551, 556-57 (1987). See Order, filed October 7, 2008, at 1.

However, the Court finds the Petitioner has shown good cause to justify an extension of time to file response to the Respondent's motion, and such will be allowed.

**IT IS, THEREFORE, ORDERED** that the Petitioner's renewed motion for the appointment of counsel is hereby **DENIED**.

**IT IS FURTHER ORDERED** that the Petitioner's motion for an extension of time in which to respond to the Respondent's motion for summary judgment is **ALLOWED**, and he has to and including November 17, 2008, in which to file such response.

Signed: October 15, 2008

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

